



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEMBERS WEEKLY and L.B. McDONALD

Also Present: DEPUTY CITY MANAGER DOUG SELBY, CHIEF DEPUTY CITY ATTORNEY VAL STEED, ROBERT GENZER, DIRECTOR, PLANNING & DEVELOPMENT DEPARTMENT, JIM DiFIORE, MANAGER, BUSINESS SERVICES, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:
Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(4:04)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2001-83 – Establishes rules, regulations and business licensing requirements for farmers' markets. Proposed by: Mark Vincent, Director of Finance & Business Services

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill proposes licensing standards and regulatory provisions for farmers' markets as well as for promoters of such activities. In addition to farm product vendors, this bill permits non-farm product vendors in limited numbers and locations at a farmers' market, upon their first obtaining and thereafter maintaining a valid permit. The annual license fee for a farmers' market promoter will be two hundred dollars for a primary location and fifty dollars annually for each additional promoted farmers' market. Non-farm product vendors will be required to pay a ten dollar permit fee each month.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-83 - Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-83 be HELD IN ABEYANCE to 1/14/2002. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 1 – Bill No. 2001-83

MINUTES – Continued:

JIM DiFIORE, Business Services, requested more time to meet with the pertinent organizations regarding potential code changes.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04 – 4:06)

1-10

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2001-115 – Requires certain disclosures in connection with the sale of a residence or residential lot. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill would require a number of disclosures in connection with the sale of a residence or residential lot. Among the items that would have to be disclosed to the buyer are the zoning and land use classifications applicable to the property and surrounding areas, any existing or proposed gaming enterprise districts in the area, existing or proposed assessments, structural defects, and any soils reports regarding the property. Disclosures would have to be documented in writing or by videotape.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-115

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-115 be HELD IN ABEYANCE to 1/14/2002. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 2 – Bill No. 2001-115

MINUTES – Continued:

COUNCILWOMAN McDONALD indicated that her understanding was that the item would be held in abeyance. ROCKY FINSETH II, Government Affairs Director, Greater Las Vegas Association of Realtors, added that a letter has been submitted to the Mayor and copied to the other members of the Council regarding concerns in a section-by-section analysis as the bill currently exists. However, his organization would be happy to continue working on revisions.

COUNCILWOMAN McDONALD clarified for the record that her concern would be with the inconsistent standards that would be created with property sales within the City versus other Valley entities. This would be more appropriate at a state-level where the enforcement powers lie and enable enforcement across the Valley. It would appear that implementation at a municipal level would be impossible.

COUNCILMAN WEEKLY advised that if a resolution cannot be reached by the 1/14/2002 Recommending Committee meeting, the Committee will forward the bill to the Council with no recommendation.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06 – 4:10)

1-61

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-119 – Annexation No. A-0024-99(A) – Property Location: On the northwest corner of Lone Mountain Road and Hualapai Way; Petitioned By: City of Las Vegas; Acreage: 207.25 acres; Zoned: R-U (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northwest corner of Lone Mountain Road and Hualapai Way. The annexation is at the request of the City, with the concurrence of the Bureau of Land Management as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-119 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-119 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 3 – Bill No. 2001-119

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:10 – 4:11)

1-189

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-120 – Annexation No. A-0025-99(A) – Property Location: On the northwest corner of Iron Mountain Road and Hualapai Way; Petitioned By: City of Las Vegas; Acreage: 5.29 acres; Zoned: R-U (County Zoning), U (SC) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northwest corner of Iron Mountain Road and Hualapai Way. The annexation is at the request of the City, with the concurrence of the Bureau of Land Management as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-120 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-120 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 4 – Bill No. 2001-120

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:11)

1-206

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-121 – Annexation No. A-0005-01(A) – Property Location: 150 feet south of Brooks Avenue and 130 feet east of Maverick Street; Petitioned By: Christopher and Sandra Payan; Acreage: 0.51 acres; Zoned: R-E (County Zoning), R-E (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located 150 feet south of Brooks Avenue and 130 feet east of Maverick Street. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-121 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-121 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 5 – Bill No. 2001-121

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:11 – 4:12)

1-225

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-122 – Annexation No. A-0018-01(A) – Property Location: On the west side of Smith Street, 250 feet south of Vegas Drive; Petitioned By: Keith Cole; Acreage: 0.49 acres; Zoned: R-E (County Zoning), R-E (City Equivalent); Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Smith Street, 250 feet south of Vegas Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-122 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-122 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 6 – Bill No. 2001-122

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:12 – 4:13)

1-243

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-123 – Annexation No. A-0019-01(A) – Property Location: On the southwest corner of Durango Drive and Fisher Avenue; Petitioned By: Ray and Laurie Newmiller, et al; Acreage: 1.92 acres; Zoned: R-E (County Zoning), R-E (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Durango Drive and Fisher Avenue. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-123 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-123 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 7 – Bill No. 2001-123

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:13)

1-265

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-124 – Annexation No. A-0056-01(A) – Property Location: On the south side of Elkhorn Road, 700 feet east of Grand Canyon Drive; Petitioned By: Pardee Construction Company; Acreage: 2.52 acres; Zoned: R-E (County Zoning), U (L) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the south side of Elkhorn Road, 700 feet east of Grand Canyon Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-124 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-124 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 8 – Bill No. 2001-124

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:13 – 4:14)

1-282

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-125 – Annexation No. A-0057-01(A) – Property Location: On the north side of Severence Lane, 330 feet west of Tee Pee Lane; Petitioned By: Perma-Bilt Homes; Acreage: 5.07 acres; Zoned: R-E (County Zoning), U (L) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north side of Severence Lane, 330 feet west of Tee Pee Lane. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-125 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-125 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 9 – Bill No. 2001-125

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:14)

1-304

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-126 – Annexation No. A-0072-01(A) – Property Location: On the northwest corner of Coke Street and Racel Street; Petitioned By: Zachary and Cara Clay; Acreage: 1.33 acres; Zoned: R-E (County Zoning), R-E (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northwest corner of Coke Street and Racel Street. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 11, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-126 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-126 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 10 – Bill No. 2001-126

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:14 – 4:15)

1-320

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-127 – Ordinance Creating Special Improvement District No. 1474 - Rainbow Boulevard (Silverstream Avenue to Smoke Ranch Road) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$251,133.01

☐

Budget Funds Available

Dept./Division: PW/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Installation of pavement, curb and gutter, sidewalk, streetlights, and water and sewer laterals. The entire project length of Rainbow Boulevard from Silverstream Avenue to Smoke Ranch Road is located in Wards 1, 2, 4, 5 and 6; however the properties involved in the SID are located in Wards 4 and 5.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-127

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-127 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 11 – Bill No. 2001-127

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:15 – 4:16)

1-340

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2001-128 – Amends the Zoning Code to increase allowable wall heights in residential districts and eliminate the corresponding administrative deviation procedures. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The Zoning Code currently establishes a maximum height of six feet for block walls in a rear yard or side yard, but allows the height of a wall to be increased to a maximum of eight feet by obtaining an administrative deviation. A change in State law this past session (AB 553) makes this procedure unavailable. This bill will eliminate the availability of the administrative deviation procedure for block walls, but will amend the Code to authorize rear-yard and side-yard walls to be built to a maximum height of eight feet.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-128

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-128 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 12 – Bill No. 2001-128

MINUTES – Continued:

ROBERT GENZER, Director of Planning & Development, explained that the original proposal included front yards as well. That portion was dropped and the bill makes allowable up to eight feet which now requires an administrative deviation for rear and side yards.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:16 – 4:17)

1-357

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2001-129 - Provides for the removal and disposition of abandoned shopping carts.
Sponsored by: Councilmen Michael J. McDonald and Michael Mack

Fiscal Impact

☐

No Impact

Amount: Undetermined*

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill is intended to address the problem of abandoned shopping carts more comprehensively than in the past. Cart removal by patrons will continue to be prohibited, but, in addition, the responsibility for cart retrieval will be placed on the stores that provide shopping carts. The bill will allow stores to retrieve their own carts, either upon notice or in connection with an ongoing retrieval program, but will also give the City the option of retrieving abandoned carts and charging fees and penalties relating to removal and storage. The City has sought input from the affected parties and prepared a Business Impact Statement based upon an earlier version prepared for Bill No. 2001-5.

*Potential annual costs to the City will depend on compliance, with costs to be partially offset by fees and penalties.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2001-129
2. Business Impact Statement

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-83 be HELD IN ABEYANCE to 1/14/2002. COUNCILMAN WEEKLY concurred.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 13 – Bill No. 2001-129

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this is similar to a previously introduced bill which was stricken from the agenda to allow for additional discussion. The new bill has added provisions regarding a permitted alternative for a retailer to provide a management system preventing the carts from leaving the premises versus the City removing the shopping carts. Another provision is included which prohibits the owner or manager of an establishment from knowingly permitting patrons to use a shopping cart owned by another establishment.

COUNCILWOMAN McDONALD questioned the enforcement of the ordinance, if adopted. CHIEF DEPUTY CITY ATTORNEY STEED responded that the authorized official would handle enforcement. That would include anybody already authorized by ordinance to abate nuisance activities, the City Code Enforcement Unit, or any person authorized by the City Manager to enforce this chapter. That would allow appropriate delegation of the authority.

COUNCILWOMAN McDONALD asked whether the City has sufficient manpower for enforcement or whether additional staff have to be hired. DOUG RANKIN, Council Liaison, responded that it is hoped that this would reduce existing enforcement, thereby dropping cost to the City.

MARY LAU, Director of the Retail Association of Nevada, rebutted MR. RANKIN'S comment in that this bill would put the City right in the middle of the cart recovery business. Her organization would like additional time to work on the language of this bill and to bring in the County who is working on a similar matter. Uniformity would be very beneficial. Also, they would like an opportunity to bring in a recovery service out of California who operates on a volunteer basis for the Association there. There are good things that an ordinance could accomplish but this one includes too many "mays" versus "shalls" and ambiguous enforcement and fine provisions.

COUNCILMAN WEEKLY indicated his strong support for finding a solution. He recommended that MS. LAU work with the sponsors of the bill. MR. RANKIN pointed out that the California recovery service has not responded to their attempts at contact in more than six months. MS. LAU stated that there was a deadline for the end of this month.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 17, 2001

City Attorney

Item 13 – Bill No. 2001-129

MINUTES - Continued:

MARSHA GILL, Assistant Vice President of Public Affairs for Smith's, noted that there are several things being done on a voluntary basis, but there are continuing issues since control lies with an outside board. Her company will have four electronic barriers in place in the stores with the greatest instances of cart removal. Wal-Mart and Raley's have also put up barriers. There is a tremendous change.

BEN CONTAN, President of West Circle Neighborhood Association, stressed that this is a big issue in their neighborhood. As written, the bill would exempt those stores who put up electronic barriers. MS. GILL responded that the language "may be exempt" being changed to "shall be exempt" in Section 13 would be significant. The industry does realize the impact on neighborhoods, but the burden also has to be placed on those removing the shopping carts despite an existing ordinance that classifies the act as theft. It is a tough issue.

MR. CONTAN also questioned Sections 7 and 8, which give the City the options to either notify the company upon complaint or pick it up and have a hearing involving the company. The concern with Section 7 is the time involved in the notification process, creating a delay where the cart is simply moved. His organization supports Section 8 as more effective. He thanked COUNCILMEN MACK and McDONALD for their efforts. While the hope is that the industry will be involved and a voluntary solution could be found, the City has been working on this for nearly three years. At this point, the City needs to move forward even if the bill is not perfect and the areas of concern can be addressed later.

COUNCILWOMAN McDONALD recommended that the bill be held in abeyance to 1/14/2002 with a direction to staff to work with the Association representatives on possible language refinement. The concern with utilizing only Section 8 is that it would drive up City cost. That dialogue still needs to occur with additional refinement. Thirty days does not seem to be excessive.

COUNCILMAN WEEKLY indicated that neighborhoods in his Ward also have a big problem with shopping carts, but confirmed with MR. RANKIN that they would try one more time to meet with the retailers during the 30-day abeyance. All recommendations and communication efforts should go through MR. RANKIN of COUNCILMAN McDONALD'S office and LENI SKAAR and LISA CLEARWATER with COUNCILMAN MACK'S office.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:17 – 4:30)



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: DECEMBER 17, 2001

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None.

MEETING ADJOURNED AT 4:30 P.M.

Respectfully submitted: _____
GABRIELA PORTILLO BRENNER
December 28, 2001